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VIA TELEFAX IN ADVANCE

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May 06, 2004

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PCT-Application WO PCT/IB02/01518  
Applicant / Owner: Nokia Corporation  
Our Ref.: 50970 WO (KG/BK)

In Response to the Official Communication pursuant to Rule 66 PCT, dated February 18, 2004:

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**I. New Documents**

Enclosed please find a set of amended claims on the basis of which the further Examination shall be carried out.

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The new claim 1 is disclosed in pending claims 1, 6, and 7, and is further supported by the specification, e.g. page 3, line 26 to page 4, line 25.

The new claims 2 to 5 are in verbatim pending claims 2 to 5.

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The new claims 6 to 11 are disclosed in pending claims 8 and 13.

The new claim 12 is disclosed in pending claims 14, 18, and 19 and is further supported by the specification, e.g. page 6, line 23 to line 28.

The new claims 13 to 15 are disclosed in pending claims 15 to 17.

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The new claim 16 is disclosed in pending claim 20.

The pending claims 6, 7, 18 and 19 have been deleted.

10 It is requested to defer the adaptation of the specification to the amended claims until a set of claims regarded as being patentable by the examiner has been agreed on. It is requested to also defer the amendments of the introductory part of the specification to cite the relevant background art document.

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## **II. The Invention as Claimed**

According to the present invention a method is provided, for delivering messages to a mobile terminal device in case of an unsuccessful message delivery attempt to said mobile terminal device from a Store-and-Forward Entity (SFE) of a mobile communication network having a  
20 presence service. Thereby said presence service provides an information about the attainability of said mobile terminal device. The method comprises the steps of: receiving a notification about an unsuccessful delivery attempt of said message, subscribing to said presence service for receipt of notifications about the attainability of said mobile terminal device, checking the availability information of said mobile terminal device in said presence  
25 service for an acceptance of said message by said mobile terminal device, and initiating a delivery attempt of said message to said mobile terminal device, in accordance with the result of said checking. Said availability information for the acceptance of said messages by said mobile terminal device comprises information selected from the group of: type of message, size of the message, data content of the message, location of said mobile terminal device and  
30 willingness of a user of said mobile terminal device to receive a message.

## **III. State of the Art**

The Examiner denied novelty and the presence of an inventive step of the subject matter of  
35 original claims 1 to 6 and 11 to 13 with reference to one document.

The document is already known from the International Search Report cited as an „A“ document.

- 5 On the basis of the cited text passages and cited reference numerals we presume that the Examiner actually refers to the document

D3: WO 9926432 A1,

- 10 cited as an "X" document in the Search Report.

The document D3 discloses a service center to store undelivered short messages addressed to mobile stations and to send those stored short messages to mobile stations. In D3 the mobile switching center operates to detect availability of an addressee mobile station to receive a  
15 stored short message, the availability detected as a result of the establishment of a successfully authenticated transaction with the addressee mobile station using a radio resource connection. The radio resource connection of the successfully authenticated transaction is retained. The stored short message sent from the service center to the addresses  
20 mobile station is delivered over the retained radio resource connection.

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#### **IV. Novelty / Inventive Step**

The present invention is based on the idea to use differentiated information (selected from type of message, size of the message, data content of the message, location of said mobile  
25 terminal device and willingness of a user of said mobile terminal device to receive a message) for indicating the acceptance of a message, which enables said presence service to filter or select certain kinds of messages that are not to be transmitted e.g. different messages as MMS, SMS.

- 30 This feature has been disclosed in the original claim 7 against which the Examiner has raised no objections with regard to novelty or the presence of an inventive step. Analogously, the new independent device claim 12 is a combination of the features of the original claims 14, 18, and 19, wherein the examiner has not raised any objections against the original claim 19.

- 35 The feature of detailed differentiated information about the (not accepted) messages is not disclosed in the document D3 (or D1) and thus the new independent claims 1 and 12 are novel over the cited document and can in addition not be suggested by the cited document.

Thus, these new independent claims disclose clearly novel and inventive solutions over the cited document.

### **VI. Requests**

In view of the above arguments it is assumed that the Examiner's objections have been overcome, and it is therefore respectfully submitted that the new set of claims 1 to 16 is acknowledged as inventive. Therefore, issuance of a favorable IPER is kindly requested.

Dr. Thomas Kurig  
(Patent Attorney)

**Enclosures:**

New set of claims (3-fold)

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New Claims

1. Method for delivering messages to a mobile terminal device in case of an unsuccessful message delivery attempt to said mobile terminal device from a Store-and-Forward Entity (SFE) of a mobile communication network having a presence service, said presence  
10 service providing an information about the attainability of said mobile terminal device, characterized by:
  - receiving a notification about an unsuccessful delivery attempt of said message, and
  - subscribing to said presence service for receipt of notifications about the attainability of said mobile terminal device,
  - 15 - checking availability information of said mobile terminal device in said presence service for an acceptance of said message by said mobile terminal device,
  - initiating a delivery attempt of said message to said mobile terminal device, in accordance with the result of said checking,wherein said availability information for the acceptance of said messages by said mobile  
20 terminal device comprises information selected from a group of: type of message, size of the message, data content of the message, location of said mobile terminal device and willingness of a user of said mobile terminal device to receive a message.
2. Method according to claim 1, further comprising:  
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  - receiving a status change notification message from said presence service about said mobile terminal device having a change of said availability information,
  - starting a delivery attempt of said message to said mobile terminal device, in accordance with said received status change notification message.
- 30 3. Method according to claim 1 or 2, wherein said message is a multi media message.
4. Method according to anyone of the preceding claims, further comprising receiving of said message to be transmitted to said mobile terminal device.
- 35 5. Method according to anyone of the preceding claims, further comprising checking availability information of said mobile terminal device in said presence service for the availability of said mobile terminal device.

6. Method according to anyone of the preceding claims, wherein said availability information for acceptance of said message is depending on properties of said message.
- 5 7. Method according to claim 6, wherein said properties are selected from a group comprising: message type, message size, sender type, and sender.
8. Method according to anyone of the preceding claims, wherein said availability information of said mobile terminal device in said presence service can arbitrarily be changed by receiving said presence service status change message from said mobile  
10 terminal device.
9. Software tool for performing a delivery attempt of a message to a mobile terminal device in accordance with the information related to the availability status of said mobile terminal device in a communication network, comprising program code means for  
15 carrying out the steps of anyone of claims 1 to 8 when said software tool is implemented in a program run on a Store-and-Forward Entity or a network device.
10. Computer program for performing a delivery attempt of a message to a mobile terminal device in accordance with the availability status of said mobile terminal device in a  
20 communication network, comprising program code means for carrying out the steps of anyone of claims 1 to 8 when said program is run on a Store-and-Forward Entity or a network device.
11. Computer program product comprising program code means stored on a computer  
25 readable medium for carrying out the method of anyone of claims 1 to 8 when said program product is run on a Store-and-Forward Entity or a network device.
12. Store-and-Forward Entity connected to a mobile communication network having a presence service for store-and-forwarding a message to a mobile terminal device,  
30 characterized by:
  - a component for receiving a notification about an unsuccessful delivery attempt of said message, and
  - a component for subscribing to said presence service for receipt of notifications about the attainability status of said mobile terminal device, and
  - 35 - said presence service,  
wherein said presence service provides an information about acceptance of said message selected from the group comprising: message type, message size, message content, sender

type, sender, and location of said mobile terminal device.

13. Store-and-Forward Entity according to claim 12, further characterized by:

- a component for checking availability information of a presence service for an acceptance of said message by said mobile phone, and
- a component to initiate a delivery attempt of said message to said mobile terminal device, in accordance with the operation of said checking component.

14. Store-and-Forward Entity according to claim 13, further comprising a component for checking availability information of said presence service for the availability of said mobile terminal device.

15. Store-and-Forward Entity according to claim 13 or 14, further comprising a component for receiving messages to be transmitted to said mobile terminal device.

16. Store-and-Forward Entity according to anyone of the claims 12 to 15, further comprising a component to change said availability information in said presence service of said mobile terminal device according to the reception of a presence service status change message from said mobile terminal device.